

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL EXAMINERS
OAL DOCKET NO. BDS 05512-08

IN THE MATTER OF THE SUSPENSION:
OR REVOCATION OF THE LICENSE OF:

SAMUELLE KLEIN-VON REICHE, PSY.D:
LICENSE NO: 35SI00324600

TO PRACTICE PSYCHOLOGY IN THE :
STATE OF NEW JERSEY :

FINAL DECISION AND ORDER

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON November 30, 2009
E. Michael Hall
Exec. Director

This matter was opened before the New Jersey State Board of Psychological Examiners ("the Board") by way of a Complaint by the Attorney General against respondent Samuelle Klein-Von Reiche, Psy.D., filed with the Board on February 4, 2008. The three-count complaint alleged that respondent's conduct in establishing a close personal and social relationship with a client, accompanying C.V., by then a former patient, terminated from therapy eleven days earlier, on a trip to the Bahamas where they shared a hotel room for several nights, having coffee and dining with the patient and attending a garage sale where the client was selling his deceased father's belongings, and discussing intimate details of her personal life with the patient, constituted material boundary violations between a therapist and a client which demonstrated gross malpractice, repeated negligence, professional misconduct and failure to fulfill the ongoing requirement of good moral character in

violation of N.J.S.A. 45:1-21 (c), (d), (e) and 45:14B-14 (b). The complaint also alleged that the Respondent provided materially false information to the Board's written request for information in her letter dated January 14, 2005 wherein she stated that "at no point during or following treatment did respondent socialize with C.V. in any capacity and at no time during any psychotherapy session did respondent disclose personal information to C.V." The third count of the complaint further alleged that respondent developed a close, personal and social relationship with her client C.V. as demonstrated by Respondent accompanying the client to a professional convention at the Atlantis Resort in the Bahamas. She traveled with C.V. to the convention on September 19, 2004 and shared a hotel room at the Atlantis Hotel in the Bahamas for at least two nights. The expenses of traveling and staying at the convention were paid by the client and while in the Bahamas the Respondent and C.V. spent time together and dined together on at least two occasions. In addition, prior to attending the convention with C.V., respondent dined with him in New Jersey on two occasions, and met with C.V. for coffee at a diner. The State's Complaint further alleged that the statements provided by the Respondent to the Board's written request for information and verbal response at an investigative inquiry constituted inter alia, the use or employment of dishonesty, fraud, deception, misrepresentation,

and false pretense in violation of N.J.S.A. 45:1-21(b), failure of the duty to cooperate in a board inquiry in violation of N.J.A.C. 13:45C-1.2 and that the Respondent's conduct further evidenced inappropriate misuse of influence as a therapist in a manner that exploited C.V.'s trust and dependency in violation of N.J.A.C. 13:42-10.8(g).

Respondent filed an Answer with the Board generally denying the allegations in the complaint. The matter was forwarded to the Office of Administrative Law on May 1, 2008. The State filed a Notice of Motion for Summary Decision on October 3, 2008. The Respondent filed a reply and Cross-Motion for Summary Decision on October 23, 2008. Administrative Law Judge, Carol I. Cohen, issued an Order of Partial Summary Decision on November 17, 2008 finding that certain facts were undisputed and that respondent's behavior in accompanying her patient on a social trip less than two weeks after therapy was ended, which she subsequently denied, was unprofessional and a deviation from the standard of care in violation of N.J.S.A. 45:1-21(e) and that engaging in an inappropriate personal relationship and exploiting the patient's trust and dependence violated N.J.S.A. 45:1-21(c)-(e), N.J.S.A. 45:14B-14(b) and N.J.A.C. 13:42-10.8. The ALJ also concluded that respondent's response to the Board's initial letter of inquiry constituted professional misconduct as it violated both N.J.S.A. 45:1-21(b) and N.J.A.C. 13:45C-1.3 which requires a

licensee to cooperate with the Board's inquiry and to timely provide truthful, accurate information. On the issue of penalty, Judge Cohen ruled that a hearing be held to determine the penalty to be imposed. On December 4, 2008 the ALJ entered an Order on Motion for Reconsideration resolving a motion filed by the respondent which the ALJ denied for the reasons set forth in the Order.

Hearings on the issue of penalty were held before ALJ Cohen on November 19, 2008, December 11, 2008 and April 16, 2009. The Initial Decision on Penalty which incorporated the Order for Partial Summary Decision and the Order On Motion for Reconsideration was issued on June 13, 2009. This Decision is incorporated by reference as if fully set forth herein.

Exceptions were filed by the Attorney General on July 6, 2009. Respondent filed Exceptions on July 4, 2009. On July 10, 2009 the Respondent filed a letter brief in response to the Attorney General's exceptions and on July 14, 2009 the Attorney General filed a reply in response to the respondent's Exceptions.

The Board granted oral argument on the Exceptions which was heard on October 5, 2009. Respondent was represented by Steven I. Kern, Esquire and the State by DAG Siobhan Krier. Upon a finding that disciplinary action was to be imposed, the Board permitted a mitigation hearing in this matter immediately following the argument on exceptions. Respondent presented nine

character witnesses.

The Respondent argued in her Exceptions that the Administrative Law Judge ("ALJ") had improperly granted Summary Decision to the State because the facts when viewed in the light most favorable to the Respondent would demonstrate that the Respondent had not violated any of the Board's statutes and regulations. Respondent claimed that she did not have sexual relations with her former patient and that the Board had no explicit proscription against socializing with a former patient. Therefore, the Respondent's conduct in accompanying her former patient to the Bahamas and sharing a room with him did not constitute professional misconduct and the Complaint filed against the Respondent should be dismissed.

The Respondent also argued in her Exceptions that the ALJ improperly found that the Respondent's written and oral responses to the Board concerning her actions with the former patient constituted the use of dishonesty, fraud, deception or misrepresentation which subjected the respondent to disciplinary action pursuant to N.J.S.A. 45: 1-21(b). Respondent argued that her response to the Board was "a direct answer to a very specific allegation regarding her attendance on a cruise and to also address what she believed to be the intent of the Board's inquiry -whether she had engaged in a sexual relationship with C.V." Due to a reference to a cruise in the Board's initial inquiry in

error, respondent further urged that the Board's inquiry was misleading and, respondent's reliance upon the language in formulating her response cannot be "patently misleading." Therefore, the ALJ should have permitted additional testimony to determine the context, state of mind and intent of the respondent instead of dealing with this issue in a summary decision.

On October 5, 2009 the Board deliberated on the record before it, the written submissions on exceptions and the oral arguments presented on exceptions and announced its decision in open session. Based on the underlying record, the Board determined to adopt in total the ALJ's findings of fact and conclusions of law as embodied in the Order for Partial Summary Decision and the Order on Reconsideration as reflected in the ALJ's Initial Decision. Thus, the Board adopted the ALJ's findings that the actions of the Respondent in engaging in a close personal and social relationship with her former patient constituted inter alia, professional misconduct in violation of N.J.S.A. 45: 1-21(e) and gross negligence and repeated negligence in violation of N.J.S.A. 45: 1-21(c) and (d); and that the respondent's response to the Board and to the ALJ constituted engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21(b), failure to cooperate in a Board inquiry in violation of N.J.A.C. 13:45C-1.2 and professional

misconduct in violation of N.J.S.A. 45: 1-21(e). The Board proceeded to a mitigation hearing immediately following the oral argument.

At the October 5, 2009 mitigation hearing, the respondent presented 9 additional character witnesses. The majority of the witnesses were current patients who testified as to the effectiveness of her treatment and their dependency on the respondent to assist them in working on outstanding issues. The remaining witnesses were professionals who have worked with the Respondent and testified as to her moral character and her intelligence and clinical skills.

The Attorney General proffered two witnesses to appear in the penalty phase before the Board, M.A. and N.T. Respondent's counsel vigorously objected to the State's presentation of M.A. at the mitigation hearing because respondent's attorney had subpoenaed M.A. to appear as respondent's witness at the mitigation hearing before Judge Cohen. The Attorney General had argued against M.A.'s appearance before Judge Cohen claiming that this witness had little to offer in this proceeding. The ALJ ruled in favor of the State and prohibited the respondent from calling M.A. to testify. Respondent's attorney also objected because the State had submitted notice to the Board that it was presenting these two witnesses on October 2, 2009 shortly before the Board meeting in violation of the Board's scheduling order.

which required counsel to present a list of witnesses at least 14 days before the matter was heard. Upon consideration of the facts before it, the Board denied the State's request to have M.A. appear at the mitigation hearing before the Board on October 5, 2009. The appearance of N.T. was not disputed by the respondent.

At the mitigation hearing before the Board, the State identified and entered into the record S-1 and S-3 which consisted of a police report filed against the respondent by N.T. regarding a dispute over personal property. S-3 was the patient record of N.T. prepared by the respondent. Respondent's attorney objected to the presentation of these two documents into evidence alleging that he did not have time to review them and that it was unclear who N.T. was, as "N.T." was a female patient of respondent and the initials N.T. also referred to the patient's father. The Board recognized that S-1 was a public record and that S-3 was the patient record of N.T. prepared by the respondent and provided by the respondent's counsel to the State. The Board ruled that it would accept into evidence S-1 and S-3 and give them the appropriate weight. N.T. did not appear at the mitigation hearing. ¹

Respondent's counsel argued in closing that no witness was

¹The Board did not consider S-1 or S-3 in coming to its final decision and Order in this matter.

produced to discredit the respondent. The witnesses presented testified regarding the respondent's qualification as a therapist. She has no prior history of violations before this Board and no criminal history. Counsel urged that no evidence has been presented that the respondent is unfit to continue in practice or a threat to the public. Respondent alleged that C.V., the former patient, was not injured and testified on behalf of the respondent. Respondent further submitted that in taking disciplinary action the Board must weigh the mitigating factors balanced against the public interest. A reprimand impacts on the respondent's future and current patients as well as impacting on the respondent's ability to participate as an insurance provider because it is seen as public discipline by Third Party insurance panels. Respondent claimed she has many patients that rely upon her and the Board should not punish her patients. Respondent's counsel urged the Board to issue a letter of warning to resolve this matter. The respondent marked into evidence BR-1 consisting of a follow up report from Dr. Laurie Deerfield, her expert witness and character references from Miriam Adler, Ph.D. and Renna A. Edwards, MA.

The Attorney General argued that a letter of reprimand is insufficient to protect the health, safety and welfare of the citizens of the State of New Jersey in this matter. Respondent's conduct demonstrated dishonesty and a lack of insight in her

failure to take responsibility. It is a psychologist's responsibility to know the boundaries that she must maintain with her patients. Respondent's claim that she did her former patient a favor by accompanying him to the Bahamas reveals her failure to understand the basic responsibilities of a psychologist. Respondent unsuccessfully attempts to justify her conduct by claiming she merely befriended the former patient and did not have a sexual relationship with him. Her actions are not acceptable for a licensed psychologist even if her version of the events is accepted. The State further argued that her conduct in allegedly placing boundary restrictions which the patient was to institute is further demonstration of her failure to understand her professional responsibilities. Respondent testified she would not have accompanied her former patient to the Bahamas if she knew that they would share a room, yet she delegated the responsibility to the former patient to obtain the additional room for her. She believed that the former patient did not have a relationship with M.A. yet she testified at the OAL that her actions hurt the former patient's relationship with M.A. Given her boundary violations and failure to grasp her professional responsibilities the Attorney General sought a suspension of license for a significant period of time, an independent psychological evaluation and psychological treatment for the respondent in addition to the sanctions imposed by the

Initial Decision on Penalty.

Discussion on Sanctions

The Board voted to modify the ALJ's decision on penalty. The Board found that the formal reprimand imposed by the ALJ was insufficient. Respondent's conduct includes serious violations of basic standards of practice, involving repeated boundary violations, respondent's inability to handle transference issues appropriately and dishonesty to the Board in writing and at an investigative inquiry, all require a more stringent disciplinary response. This matter involves an extraordinary lack of insight by the licensee into the nature of her misconduct, a failure to take responsibility for her actions, and repeated dishonesty to the Board. In order to protect patients, sanction the improprieties found, and ensure future safe practice, the Board chose to impose a one year suspension with six months active and six months stayed, with restrictions on practice upon re-entry to practice including supervision of practice and ongoing therapy for the respondent in addition to the conditions recommended by the ALJ.

Because the Board has chosen to modify the terms of the penalty a brief discussion of some of the factual findings relied upon by the Board follows. It is undisputed that the respondent

accompanied C.V., her recent former patient, to the Bahamas and shared a room with him for several days from September 19, 2004 through September 24, 2004. The respondent in her January 31, 2005 letter to the Board claimed that:

At no point during or following treatment did I socialize with Mr. V. in any capacity, including but not limited to accompanying him on a cruise. [See Exhibit C]²

Respondent continues on in this letter to inform the Board that during the course of treatment C.V. had expressed to the respondent his "transferential wishes that he could one day date me, as he had come to the conclusion that continuing his romantic relationship with Ms. A. would be unhealthy and untenable, and that he would miss seeing me after therapy termination."

²"State Exhibit" refers to exhibits attached to the State's Motion for Summary Decision before ALJ Cohen identified as follows: Exhibit A- Complaint filed by M.A. before the Board;

Exhibit B- January 14, 2005 Allegation letter sent to the Respondent by the Board;

Exhibit C- January 31, 2005 letter response from Respondent to Board's allegation letter;

Exhibit D- C.V.'s patient record;

Exhibit E- C.V.'s patient account summary;

Exhibit F- July 17, 2006 transcript of C.V.'s testimony at the Board's investigative inquiry;

Exhibit G- November 20, 2006 transcript of the respondent's testimony at the Board's investigative inquiry;

Exhibit H- Statement given to Division of Consumer Affairs Enforcement Bureau by Loretta Kessler;

Exhibit I- February 4, 2008 Complaint in the matter of Samuelle Klein-Von Reiche;

Exhibit J- Travel records PBA 2004 Convention to Bahamas.

Respondent assured the Board that she counseled C.V. that he could verbalize these feelings but it was inappropriate for him to act upon them. (See Exhibit C).

Respondent further testified on direct examination on December 11, 2008 that she was aware during the course of the treatment sessions with C.V. that he had concerns about going to the PBA Convention alone since he had broken up with M.A. and there were certain "social situations" that he did not want to attend by himself. ³ (T3,42:3-15).

Respondent also testified that she established boundaries with C.V., her former patient, by requesting that he obtain another room when they arrived at the hotel in the Bahamas and that they discussed that they would not engage in sex and there was nothing romantic or sexual about respondent accompanying him to the Bahamas. (T3, 46:4-25). C.V. testified that he did not have any discussions with the respondent prior to leaving for the Bahamas regarding whether or not they would have sexual relations (T4, 52:22-25, 53:1-5). The ALJ found that respondent's testimony on this regard lacked candor.

Respondent testified as to why she agreed to accompany her former patient to the Bahamas at the OAL mitigation hearing.

³ The transcripts from the OAL matter will be identified as follows: T1- Hearing Transcript of November 19, 2008
T2- Telephone Conference Transcript of December 5, 2008
T3-Hearing Transcript of December 11, 2008
T4-Hearing Transcript of April 16, 2009

Respondent's initial response was to say "no" because it was too soon after treatment had ended. Respondent testified that C.V. continued to call her and when he asked again she agreed to go with him as "she felt bad for him that he was going by himself. He knew that she was involved with somebody and he was not looking for a relationship." (T3; 45:3-25). However, when she was questioned by the Board at the investigative inquiry as to why she agreed to accompany C.V. she opined that "she was going through a divorce, she perceived C.V. as a caretaker and someone she could lean on and I allowed my personal needs to interfere with my judgment." (See Exhibit G).

Despite the Respondent's representation at an investigative inquiry before the Board, that she in no way socialized with C.V. and that she did not have coffee with him, or go to dinner with him nor attend the garage sale of C.V.'s father's estate (See Exhibit G, 11:8-23), C.V. consistently testified both before the Board and before the ALJ that he and the respondent did socialize after the treatment was over, had coffee on several occasions, had dinner together and that the respondent presented at the garage sale. (See Exhibit F, 15:7-15 and T4, 53:10-25). When questioned at the OAL mitigation hearing about her initial response to the social occasions spent with C.V. respondent testified that she did not remember accompanying C.V. for coffee, dinner or stopping by at the garage sale but that if C.V. said

she did it, he had an excellent memory and no reason to fabricate this information. (T4, 107:3-25, 108, 109:1-5).

Although the Board agrees with and affirms some of the sanctions imposed by ALJ Cohen including a Board approved boundary course, costs and fees and a penalty of \$5000, the Board does not believe that the reprimand imposed is sufficient to protect the public or adequately address the breaches proven based on the facts presented. Respondent's professional misconduct and misrepresentations manifested themselves in a variety of ways. The Board agrees with the ALJ's finding that it is professional misconduct for respondent to accompany a former patient to the Bahamas and share a bedroom with that former patient, twelve days after the treatment was terminated. The transgression is exacerbated by respondent's acknowledgment that the patient had evidenced transference issues during the treatment as demonstrated by his interest in dating her. Respondent's decision to attend the convention in the Bahamas with the former patient because he was afraid to be alone demonstrates to the Board that this patient may have had outstanding issues that were not addressed fully in therapy; respondent's failure to take the initiative in obtaining a separate room coupled with delegating of her professional responsibility to the former patient for securing separate sleeping arrangements again demonstrates poor judgment and that

the respondent's actions constituted professional misconduct. Furthermore, respondent's letter to the Board affirming that she had not socialized in any way with the former patient constitutes a clear misrepresentation which she has attempted to minimize. The undisputed evidence and testimony are that she accompanied C.V. to a PBA convention in the Bahamas, shared a hotel room with him and she attended at least two dinners with him while at the convention. Respondent continued to misrepresent the facts in this matter by denying to the Board at the investigative inquiry that she had socialized with the former patient, had coffee on several occasions and shared dinners with him, C.V.'s consistent testimony throughout the case was that he and the respondent shared coffee and dinner on several occasions and that the respondent attended C.V.'s father estate sale prior to her accompanying C.V. to the Bahamas. Respondent testified acknowledging that she did not recall, however C.V.'s memory was good, and she accepted his recall of these events.

Additionally, the Board agrees with the ALJ Cohen's finding that the respondent's testimony before Judge Cohen regarding her establishing of boundaries with the former patient before accompanying him to the Convention lacks truthfulness and candor as the former patient's testimony denies any conversation with the respondent regarding engaging in sexual activities or establishing of boundaries regarding their respective roles on

this trip prior to attending the convention in the Bahamas
(T3,46:4-26).

The Board was further troubled by the respondent's changing rationale for accompanying her former patient to the Bahamas. Respondent's testimony at the investigative inquiry before the Board demonstrated that she saw the former patient as a caretaker and someone she could lean on as she was going through a divorce herself and that she allowed her personal needs to interfere with her professional judgment. In her testimony before ALJ Cohen she represented that she attended the convention with her former patient because she "felt bad for him that he was going by himself and she was not accompanying him as a therapist but a friend." These differing versions were inconsistent and demonstrated her poor judgment and professional misconduct in accompanying a recent former patient, especially one, who had professed an interest in dating her during the course of the therapy which in the very least sent the former patient mixed signals.

In sum, the actions of the respondent in this matter taken as a whole demonstrate an egregious breach of professional standards and misrepresentation. The respondent's testimony and actions demonstrated that she put her needs above her patient and when confronted with her actions, respondent was quick to deny the conduct and misrepresent the facts. This professional

misconduct continued from the initial confrontation of the allegations by the Board through the testimony provided before the Administrative hearing. Such flagrant transgressions of professional standards coupled with repeated dishonesty to the Board, mandate a sanction including a period out of practice, therapy to address the identified issues, and supervision upon any re-entry to practice. Thus, the Board determined that the penalty imposed upon the respondent must include a period of suspension for one year with six months active and six months stayed, along with commencement of therapy with a Board approved therapist and upon resuming active practice, imposition of a board approved supervisor. As respondent has demonstrated, even currently she lacks an understanding of the boundaries that she must establish with patients as a licensed psychologist.

For all the reasons set forth in the Order of Partial Summary Decision, the Order on Motion for Reconsideration, the Initial Decision and in this Final Decision and Order,

IT IS THEREFORE ON THIS 25TH DAY OF NOVEMBER, 2009

AS ORALLY ORDERED ON THE RECORD ON OCTOBER 5, 2009:

1. Respondent's license to practice psychology in the State of New Jersey shall be and is suspended for one year with six months active and six months stayed, provided that the respondent

complies with the conditions set forth herein. Active suspension shall begin sixty days from the date this decision was announced orally on the record on October 5, 2009. Thus, the active suspension shall begin on December 4, 2009. During the period of suspension, respondent shall derive no financial remuneration directly or indirectly from the practice of psychology. The attached Directives Regarding Future Activities of the Board Licensee Who Has Been Suspended/Revoked is incorporated into this Order.

2. The respondent shall commence therapy within thirty days of entry of this Order with a Board approved therapist who shall be a licensed psychologist in New Jersey for a minimum of one year. Upon receipt of the filed order, respondent shall submit the name and curriculum vitae of a New Jersey licensed psychologist for Board approval. The cost of the therapy is the sole responsibility of the respondent.

3. The therapist shall be provided with copies of the Order of Partial Summary Decision, the Initial Decision and this final order. Respondent shall be responsible to ensure that the therapist submits to the Board quarterly reports providing the dates of attendance in therapy, a statement of whether the respondent is satisfactorily participating in the therapy process and her progress in therapy. The Board shall be informed immediately of any changes in therapy. After completion of a

minimum of one year of therapy, the respondent may apply to the Board for a determination as to whether the Board approved therapy shall continue. The respondent shall appear before the Board or a committee of the Board for consideration of this issue.

4. The respondent shall complete a boundary course pre-approved by the Board within six months of the entry of this order and prior to reinstatement of the respondent's license to engage in the practice of psychology. Written documentation shall be submitted from the course sponsor to the Board that confirms respondent's full attendance at and successful completion of the course. This proof shall be received by the Board prior to its reinstatement of the respondent's license to actively practice psychology.

5. Upon the completion of six months of active suspension, respondent shall be granted leave to petition the Board and appear for consideration of reinstatement of her license. Prior to reinstatement of the license respondent shall demonstrate to the Board that she has fully complied with this order, successfully completed the Board approved boundary course and is making satisfactory progress in therapy. Respondent shall also submit prior to such appearance the name and current curriculum vitae of a licensed New Jersey psychologist who shall provide supervision as directed by the Board of her practice for

a minimum of one year. The supervisor shall report in writing to the Board on a monthly basis regarding the respondent's progress.

The supervisor's report shall provide an informative evaluation of the respondent's patient treatment and professional practice.

The supervisor shall pay particular attention to respondent's dealing with boundary issues and social relationships as well as respondent's overall practice. The cost of supervision is the sole responsibility of the respondent. The supervisor shall agree to immediately notify the Board of any actions by Respondent which fail to meet acceptable standards of professional practice. Respondent may apply at the conclusion of one year of supervised practice for termination of supervision.

6. Respondent shall pay a penalty in the amount of \$5000 for the violations found herein. The payment shall be due and owing within thirty days of the filing date of the Final Decision and Order. Payment shall be made by certified check or money order, payable to the State of New Jersey and forwarded to the attention of J. Michael Walker, Executive Director, Board of Psychological Examiners, P.O. Box 45017, Newark, New Jersey 07101.

7. Respondent shall pay costs in an amount to

be determined at a later time. *

New Jersey State Board of
Psychological Examiners

By: Nancy E. Friedman Ph.D.
Nancy E. Friedman, Ph.D.
Chair

⁴ An application for costs was to be submitted by the State within fifteen days of the October 5, 2009 Board meeting. The respondent had ten days from the date of the receipt of the State's cost application to file any opposition. The Board will determine the application for costs on the papers at the December 2009 meeting. A supplemental order regarding costs will be issued.

DIRECTIVES REGARDING FUTURE ACTIVITIES
OF BOARD PSYCHOLOGISTS WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES

A practitioner whose certificate is suspended or revoked or whose surrender of certificate with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration.
- 2) Desist and refrain from the practice of psychology in any form either as principal or as employer of as employee or agent of another licensee or other health care provider.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked status of the licensee. When a new psychologist is selected by a patient, the original or a complete copy of the existing patient record to the new psychologist. If no new psychologist is selected, the record shall be made available to the patient. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 3) Not occupy, share or use office space in which another certificate holder practices acupuncture.
- 5) Desist and refrain from furnishing Psychological services, giving an opinion as to the practice of psychology or its application or any advice with relation thereto; from holding him/herself out to the public as being entitled to practice Psychology; or from advertising or writing in such a manner as to convey to the public the impression that such person is a legal psychology practitioner or authorized to practice psychology. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing. This prohibition further shall include the preparation of an report or appearance before any court or tribunal as an expert witness unless the case involves a matter handled prior to being disciplined and unless the status of the psychologist is disclosed in writing to the person requesting such report or appearance.
- 6) Cease to use any stationery whereon such person's name appears as an psychologist in practice.

7) Not share in any fee for psychological services performed by any other certified psychologist following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the psychological services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined psychologist may allow another certified psychologist to use the office premises formerly occupied by the disciplined psychologist on the following conditions only:

(a) The new certified psychologist shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined psychologist may accept no portion of the fees for professional services rendered by the new certified psychologist whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined psychologist may, however, contract for or accept payment from the new certified psychologist for rent (not exceeding fair market value of the premises and either dispose of or store any materials and equipment.

(c) No continued use of name of the disciplined psychologist personally owned office name or tax or provider identification number.

1. Where the discipline psychologist was using an individual IRS number or where the psychologist was the sole member of an incorporated professional association or a corporation, the disciplined psychologist may contract to rent the office premises to a new practitioner. The new practitioner may use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined psychologist may be used. When the certificate of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.
2. Where the disciplined psychologist is a member of a professional group which uses a group-type name such as the ABC Psychological Group, the disciplined psychologist must arrange to

have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name of the disciplined psychologist, and may continue to use its corporate or professional identification number.

9) Report promptly to the Board compliance with each directive of the order requiring moneys to be reimbursed to patients or to other persons or third part payors, and regarding supervisory reports or other special conditions of the order.

10) An psychologist whose certificate is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

a) promptly require the publishers of any professional directory and any other professional list in which such psychologist's name is know by the disciplined psychologist to appear to remove any such listing.

b) Promptly require any and all telephone companies to remove the psychologist's listing in any telephone directory indicating that such practitioner is a practicing psychologist.

11) An psychologist whose practice privileges are affected by a Board disciplinary order shall, within 90 days after the effective date of the Board order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.